

DEPARTMENT OF SOCIAL SERVICES

744 P Street

Sacramento, California 95814

Telephone: (916) 445-0321



September 17, 1981

ALL-COUNTY LETTER NO. 81-100

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Disabled Union et. al. v. Woods et. al.

REFERENCE:

The above referenced litigation arose in connection with the implementation of the IHSS provisions of SB 633.

On August 30, 1981, Los Angeles County Superior Court Judge Leon Savitch issued the attached Temporary Restraining Order (TRO). The order issued by the judge contained only provisions a., f., and g. of those requested by the plaintiffs. The TRO, as issued, enjoins the State Department of Social Services (SDSS) and the counties from:

- "a. Refusing to grant a hearing to any IHSS recipient that requested or requests a hearing pursuant to the form notice in controversy herein;
- f. Reducing the IHSS grant of any severely disabled individual that is being reduced pursuant to the notice in controversy herein;
- g. Reducing the IHSS grant of any severely disabled individual that was receiving the IHSS maximum grant prior to reduction pursuant to the form notice in controversy herein."

SDSS has complied with Section a. of the TRO and will indicate on the letters notifying the counties that a state fair hearing has been scheduled whether aid-paid-pending the hearing is to be granted in a particular case. Counties must grant aid-paid-pending the hearing when notified to do so by SDSS.

In order to comply with Sections f. and g. of the TRO you are hereby directed to rescind all reductions or terminations of IHSS grants of any severely impaired recipients which were based on the implementation of SB 633. These rescissions will necessarily require the restoring

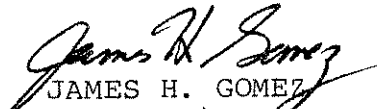
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of grant levels of severely impaired recipients to the grant level they would have received if the action implementing SB 633 had not been taken. This directive is to be effective until you are notified otherwise by SDSS.

The hearing on the preliminary injunction on this case is scheduled for September 24, 1981 at which time the order of the court may change as to the issues raised by the lawsuit.

Compliance with the TRO will to some extent mitigate against the program savings anticipated with the passage of SB 633 which may have an impact on your ability to implement your IHSS program within budgetary limits without reductions pursuant to Welfare and Institutions Code § 12301.


JAMES H. GOMEZ
Deputy Director